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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,488	03/16/2004	Michael D. Ellis	UV-74 Cont.	3658

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PATENT DOCKETING 39/361
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EXAMINER	
PENG, FRED H	

ART UNIT	PAPER NUMBER
2426	

MAIL DATE	DELIVERY MODE
06/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/802,488	ELLIS ET AL.	
	Examiner	Art Unit	
	FRED PENG	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *75-78,81-84,87-90 and 93-95* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *75-78,81-84,87-90 and 93-95* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered 02/17/2010.

2. The Non-Final Office Action of 08/17/2009 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 75-78, 81-84, 87-90 and 93-95 are pending in this application.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 93-95 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitation of "receiving the unobjectionable program listings information from a remote facility" is nowhere found in any description section of the specifications; therefore, constitute new matters.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 75-78, 81-84 and 87-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Lapierre (US 6,075,550).

Regarding Claims 75, 81 and 87, AAPA as in the background section of the invention inherently discloses an interactive television program guide system with corresponding method and computer-readable media in which an interactive television program guide is implemented on user television equipment of a user, comprising:

means for providing program listings to the interactive television program guide, wherein at least some of the program listings contain potentially objectionable program listings information (page 2 line 25 – page 3 line 3).

AAPA is silent about means for replacing the potentially objectionable program listings information in the program listings with unobjectionable program listings information using the interactive television program guide so that when the interactive television program guide displays the program listings the unobjectionable program listings information is displayed in place of the potentially objectionable program listings information, wherein the unobjectionable program listings information for each of the programs includes a generic unobjectionable title or generic unobjectionable description for that program.

In an analogous art, Lapierre discloses in a television receiving the uncensored text data signal through a censor device and having objectionable words removed and may be replaced by X's or spaces. The words not removed then form the censored text data (Col 3 lines 33-42).

Therefore, a person of ordinary skill in the art would have had good reason to pursue the known options of replacing the objectionable program listings information with a generic unobjectionable title or generic unobjectionable description when the program information such as title or description appears to be offensive. It would require no more than "ordinary skill and common sense" to remove or replace such offensive words so a more generic and unobjectionable title or description can be achieved.

Regarding Claims 76-78, 82-84 and 88-90, AAPA discloses the objectionable program listings information includes adult program titles, descriptions (Background section of the invention).

Response to Arguments

8. Applicant's arguments filed 02/17/2010 have been fully considered but they are not persuasive.

In reference to Applicant's arguments

(a) Further, as the Supreme Court has recognized, "[i]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." KSR International Co. v. Teleflex Inc., 550 U.S. 398, 401 (2007). Regarding this reason, the Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also KSR, 550 U.S. at 418 (quoting Federal Circuit statement with approval). The Examiner has identified no such reason. Instead, the Examiner offers only a conclusory statement of desirable results, which would not lead one of skill in the art to make the combination in the first place.

Examiner's response

The Examiner respectfully disagrees. In the Background of Invention, Lapierre discloses the desire of the viewer is to regulate the programming content seen by children; other viewers simply desire to avoid certain language such as offensive languages used in some program; thus providing one rationale to combine AAPA with Lapierre to remove some of the objectionable or offensive languages in the program guide listing information, thereby creating more censored language more suitable for children or more comfortable to the viewers. Alternatively, replacing

objectionable or offensive languages with more generic and less offensive languages is one of limited known options for an ordinary person of skill in the art to try.

In reference to Applicant's arguments

(b) The Examiner appears to suggest that replacing offensive words with an "X," or spaces, meets the limitations of applicants' claims. Applicants respectfully disagree.

Applicants' claims require actually replacing the potentially objectionable program listings information with unobjectionable program listings information. In other words, new program listings information (i.e., the unobjectionable program listings information) is provided rather than merely editing the original potentially objectionable program listings information by deleting words. Editing the original uncensored text data signal by inserting an "X" or spaces within the original uncensored text data signal is not the same as replacing potentially objectionable program listings information with unobjectionable program listings information.

Examiner's response

The Examiner respectfully disagrees. As given broadest interpretation of a claim, the action of modifying the existing potentially objectionable program listings information into unobjectionable program listings information also can be interpreted as "replacing potentially objectionable program listings information with unobjectionable program listings information".

Conclusion

9. Claims 75-78, 81-84, 87-90 and 93-95 are rejected.

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Peng/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

May 29, 2010